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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Board of Supervisors

MEETING DATE August 25, 2015	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT McCrea Ranch	FILE NO. AGP2014-00004						
SUBJECT Proposal by McCrea Ranch to alter the boundaries of an Agricultural Preserve, rescind an existing Land Conservation Contract and enter into a new Land Conservation Contract to reflect revised property boundaries from a lot line adjustment. The property includes approximately 2,345 acres and is located in the Agriculture land use category at 2121 Shedd Canyon Road, approximately 2.0 miles south west of the community of Shandon, in the Shandon-Carriso Sub-area of the North County Planning Area.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows: <table border="0" style="margin-left: 40px;"> <tr> <td>Preserve Designation:</td><td>Shandon Agricultural Preserve No. 1 Amendment No. 14</td></tr> <tr> <td>Minimum Parcel Size:</td><td>320 Acres</td></tr> <tr> <td>Minimum Term of Contract:</td><td>10 years</td></tr> </table>				Preserve Designation:	Shandon Agricultural Preserve No. 1 Amendment No. 14	Minimum Parcel Size:	320 Acres	Minimum Term of Contract:	10 years
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ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17) was issued on March 4, 2015 (ED14-184).									
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NO: 019-171-024, 028, 029, 033, 034, 035, 036, 037, 038 (ptn.)	SUPERVISOR DISTRICT(S) 1						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(2) – Minimum parcel size for new agricultural preserves							
EXISTING USES: Vineyard, grazing land, dry farm, residence & barns									
SURROUNDING LAND USE CATEGORIES AND USES: <table border="0" style="width: 100%;"> <tr> <td><i>North:</i> Agriculture/Vineyard, oaks, grazing</td><td><i>East:</i> Agriculture/ Vineyard, oaks, dry farm, grazing</td></tr> <tr> <td><i>South:</i> Agriculture/Grazing, vineyard,</td><td><i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing</td></tr> </table>				<i>North:</i> Agriculture/Vineyard, oaks, grazing	<i>East:</i> Agriculture/ Vineyard, oaks, dry farm, grazing	<i>South:</i> Agriculture/Grazing, vineyard,	<i>West:</i> Agriculture/ Vineyard, oaks, dry farm, grazing		
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: N/A									
TOPOGRAPHY: Gently sloping to steeply sloping		VEGETATION: Scattered oaks, open grassland							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: March 3, 2015							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER - SAN LUIS OBISPO, CALIFORNIA 93408 (805) 781-5600 FAX: (805) 781-1242									

Board of Supervisors
AGP2014-00004 – McCrea Ranch
Page 2

PROJECT REVIEW

Background

The property under contract consists of approximately 2,345 acres of rangeland, dry farmed land and irrigated vineyard. The landowner is proposing to sell a 17 acre portion of the property (from one of several parcels under this contract) to an adjacent landowner (Anderson-Middleton) to allow him to acquire 13 acres of existing vineyard to add to his vineyard operation. In this case and most cases where lot line adjustments involve properties under Land Conservation Contracts, the Government Code (Williamson Act) requires landowners to enter into new (replacement) contracts, subject to certain criteria and findings. A lot line adjustment application (COAL 14-0064/SUB2014-00013) is currently in process to reconfigure two of the landowner's existing legal parcels to reflect the proposed sale.

The subject property is part of Shandon Agricultural Preserve No. 1 established on 7/19/71 by Resolution No. 71-319. The original contract was entered into on January 24, 1972, Document No. 2922, Volume 1650 pages 989 through 1004 inclusive.

In 2013 the landowner submitted an application to reduce the minimum parcel size from 640 acres to 320 on both the Agricultural Preserve and contract. A new replacement contract was entered into on December 10, 2013 under Resolution 2013-305, recorded as Document No. 2013-068981. The amendment was based on and formally recognized the change in the minimum parcel size standard in the Rules of Procedure for rangeland properties from 640 to 320 acres.

Site and Area Characteristics

The property is planted with 175 acres of irrigated vineyard most of which is located in the north east area of the property, 300 acres of dry farm hay and the rest (approximately 1,870 acres) being used for range land.

The following table shows the Natural Resources Conservation Service soils rating of the site from the 2013 soils evaluation:

Land Capability Class		Irrigated Vineyard	Grazing/Suitability	Dry Farm	Acres
If Irrigated	Non-Irrigated				
See note	4	175	na	na	175
	4	na	na	300	300
	4	na	432 / well suited	na	432
	4	na	712 / mod. Suited	na	712
	4	na	14 / poorly suited	na	14
	6	na	435 / well suited	na	435
	7	na	6 / well suited	na	6
	7	na	335 /poorly suited	na	335
	8	na	na	na	23
TOTALS		175	1934	300	2432

Note: "Irrigated Class" was not evaluated because eligibility for vineyards is not based on a Class 1 or 2 soils classification, and is not necessary in this situation. Based on more recent estimates by the Assessor Office the acreage is somewhat less than the previous estimate, 2345 instead of 2432.

Board of Supervisors
AGP2014-00004 – McCrea Ranch
Page 3

Exhibit A shows the location, topography, and land use designations of the site and adjacent properties.

Complying with the Williamson Act and the Rules of Procedure

Agricultural Preserve and Land Conservation Contract Eligibility

The property when reconfigured will continue to meet the current eligibility requirements for a rangeland agricultural preserve and land conservation contract since it has over 320 acres of gross acreage and more than 100 acres (approximately 1,585 acres) of Class 4, 6 & 7 soil described in the soils survey as “moderately to well suited as rangeland”. A portion of the property under this contract would also meet the minimum eligibility requirements for a prime land agricultural Preserve and contract with over 40 acres of irrigated vineyard, however the majority of the Ranch is used for range land and that was how it was evaluated in 2013 under the reduction in minimum parcel size request.

Lot Line Adjustments for Properties in the Williamson Act

Williamson Act, Government Code Section 51257, sets forth criteria allowing for but limiting the exchange of land through lot line adjustment. The criteria (and intent) limit lot line adjustments involving exchanges of non-contracted and contracted land to ensure that like amounts and quality of soils are exchanged to protect agricultural resources generally and to protect higher quality agricultural resources specifically. The issue is the potential loss of more productive land (protected by land conservation contract) through lot line adjustments. In this case the subject 17 acres is currently under contract and will simply undergo a change in ownership since it will remain in contract after the lot line adjustment.

This lot line adjustment, the new Mc Crea Ranch replacement land conservation contract and the amended Anderson-Middleton contract will involve the reduction in size of the Mc Crea Ranch parcel and the enlargement of the Anderson-Middleton parcel. Since both properties are currently under contract and both resulting properties remaining eligible under their resulting respective minimum parcel sizes, the intent of the Williamson Act will continue to be met.

The lot line adjustment is consistent with the Williamson Act, Government Code Section 51257(a) & (b) because the resulting parcels will have at least 90 percent (in this case 100%) of the contracted land remaining under contract. Overall, there will be no net loss of land under contract. (This section of the Government Code is focused on the equal exchange of contracted and non-contracted land, however it is still necessary to do this analysis and make the required findings.)

Because the property is primarily a rangeland property and remains consistent with the eligibility criteria for range and properties, the appropriate minimum parcel size continues to be 320 acres.

The appropriate term for the new contract is 10 years because the existing contract is currently running a 10 year term.

Board of Supervisors
AGP2014-00004 – McCrean Ranch
Page 4

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on March 16, 2015 at the SLO County Board of Supervisors Chambers, County Government Center, 1055 Monterey Street, Room D170, in San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, staff: presents staff report via a Power Point presentation

Bill Robeson: opens Public Comment

Jamie Kirk, agent: states she has no comments and is available for questions.

Irv McMillian: would like to have a reference for mapping to distinguish the parcels. Would like an aerial photo so that he may see the surrounding properties.

Bill Robeson: ensures Mr. McMillian that in the future there will be aerial photos taken at a greater distance showing surrounding parcels.

Following the discussion, Lynda Auchinachie moved to recommend approval to the Board of Supervisors of this request to alter the boundaries of an Agricultural preserve, rescind an existing Land Conservation Contract and enter into a new contract to the Board of Supervisors. Preserve Designation: Shandon Agricultural Preserve No. 1 Amendment No. 14. Minimum Parcel Size: 320 Acres. Minimum Term of Contract: 10 years.

AYES: Lynda Auchinachie, Paul Hoover, Don Warden, Dick Nock, Irv McMillian, Royce Larsen, Hugh Pitts, Robert Sparling, Jeff Stranlund, Bill Robeson.

NOES: None

ABSENT: Jennifer Anderson, Kaila Dettman, Lynn Moody.

RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter the boundaries of an agricultural preserve to the Board of Supervisors as follows:

Preserve Designation:	Shandon Agricultural Preserve No. 1 Amendment No. 14
Minimum Parcel Size:	320 Acres
Minimum Term of Contract:	10 years

Board of Supervisors
AGP2014-00004 – McCrean Ranch
Page 5

FINDINGS

- A.** The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being amended to reflect new property boundaries and minimum parcel size and the agricultural land uses and agricultural productivity will be unchanged.
- B.** The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.
- C.** The proposed replacement contract is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being adjusted to reflect new property boundaries and minimum parcel size and the agricultural land uses and agricultural productivity will be unchanged.
- D.** The proposed replacement contract is appropriate and consistent with the rural character of the surrounding area.
- E.** The new contract will enforceably restrict the adjusted boundaries of the newly configured parcel for a minimum of ten years.
- F.** There is no net decrease in the amount of acreage restricted by land conservation contract.
- G.** The new contract for the resulting parcel will consist of at least 90 percent of the land under the former contract.
- H.** The parcel of land after the adjustment will be large enough to sustain the current agricultural use.
- I.** The lot line adjustment will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract.
- J.** The lot line adjustment will not be likely to result in the removal of adjacent land from agricultural use.
- K.** The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

Report prepared by Terry Wahler, Senior Planner
Agricultural Preserve Program